

Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

Phone 252-261-2394 / Fax 252-255-0876

info@southernshores-nc.gov

www.southernshores-nc.gov

Ordinance 2007-05-01

AN ORDINANCE OF THE SOUTHERN SHORES TOWN COUNCIL RELATING TO AMENDING THE ZONING ORDINANCE RELATING TO HOME OCCUPATIONS

Dare County, North Carolina

BE IT ORDAINED BY THE SOUTHERN SHORES TOWN COUNCIL AS FOLLOWS:

Article I: Purpose

The purpose of this Ordinance is to amend the Zoning Ordinance of Southern Shores, Dare County, North Carolina, which was originally adopted by the Town Council on July 7, 1981 and subsequently amended.

Article II. Construction

For purposes of this Ordinance, underlined words (underline) shall be considered as additions to existing Zoning Ordinance language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Language of the adopted Zoning Ordinance shall be shown in italics (*italics*).

Article III. Amend Section 3.02 Southern Shores Zoning Ordinance – Definition of Specific Terms and Words

Section 3.02 of the Southern Shores Town Zoning Ordinance is hereby amended to read as follows:

~~*Home Occupation: A profession or occupation in which (a) no person other than a member of the family residing on the premises is engaged in the occupation; (b) there is no visible evidence (i.e., signs of any size, material or equipment) in the outside appearance of the premises of the conduct of such occupation; (c) the home occupation will not increase the volume of traffic in the neighborhood; (d) there will be no additional parking required over and above that of residential use; (e) no equipment is used other than that normally used for domestic or household purposes; (f) the premises shall not be used for contact with customers or potential customers for the purpose of selling or exchanging goods or services that are a product of the home occupation; and (g) activities related to the home occupation shall be confined to the principal dwelling unit. The term "home occupation" shall exclude any establishment in which goods or services are offered for sale.*~~

Home Occupation / Home Based Business: A business, profession, occupation or trade conducted for gain or support within a residential dwelling. See Article VIII, Home Occupation / Home Based Business Regulations.

**Article IV. Amend Section 7.01 Southern Shores Zoning Ordinance –
RS-1 Single Family Residential District**

Section 7.01 (B) of the Southern Shores Zoning Ordinance is hereby amended to read as follows:

B. Permitted Uses

The following uses shall be permitted by right:

3. *Home occupations and Home Based Businesses as defined regulated in Section 3.02 Article VIII of this ordinance.*

**Article V. Amend Section 7.02 Southern Shores Zoning Ordinance –
RS-8 Multi-Family Residential District – Permitted Uses**

B. Permitted Uses

The following uses shall be permitted by right:

5. *Home occupations and Home Based Businesses as defined regulated in Section 3.02 Article VIII of this ordinance.*

**Article VI. Amend Section 7.03 Southern Shores Zoning Ordinance –
RS-10 Residential District – Permitted Uses**

B. Permitted Uses

The following uses shall be permitted by right:

2. *Home occupations and Home Based Businesses as defined regulated in Section 3.02 Article VIII of this ordinance.*

**Article VII. Amend Section 7.04 Southern Shores Zoning Ordinance –
R-1 Low Density Residential District**

B. Permitted Uses

The following uses shall be permitted by right:

3. *Home occupations and Home Based Businesses as defined regulated in Section 3.02 Article VIII of this ordinance.*

Article VIII. Add ARTICLE VIII. Home Occupation / Home Based Business Regulations

The following requirements shall apply to the conduct of home occupations and home based businesses in Southern Shores.

Article IX. Add Section 8.01 – Home Occupation / Home Based Business General Standards

The Town of Southern Shores adopts these standards and regulations to regulate the conduct of a business within the confines of their residences to provide residents with an opportunity to use their homes to engage in small-scale business activities and to establish standards to ensure that such Home Occupations / Home Based Businesses are conducted as lawful uses, subordinate to the residential use of the property right to quiet enjoyment by neighbors.

Home Occupations / Home Based Businesses are permitted in any residential dwelling unit subject to the following provisions:

1. The use of the dwelling unit for the home occupation or home based business shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character of the structure or the property.
2. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation or home based business
3. No business storage or warehousing of material, supplies or equipment shall be permitted outside of the primary dwelling unit.
4. No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive or other restricted materials, as may be regulated by the State Department of Environment, Health, and Natural Resources, Division of Solid and Hazardous Materials, shall be used or stored on the site in quantities greater than is reasonable and customary for any residential unit.
5. No display of products shall be visible from the street.
6. A home occupation or home based business shall be subject to all applicable licenses, permits and business taxes.

Article X. Add Section 8.02 – Home Occupation / Home Based Business – Permitted Use

Home Occupation / Home Based Business use of residential property permits very limited activities in a residential dwelling, provided such activities:

1. Do not impact or detract from the residential character of the neighborhood.
2. The business inside the dwelling unit shall not exceed twenty-five (25) percent of habitable space of the primary residential structure.

A home occupation shall be deemed an accessory use and no further approval shall be required, provided the use meets the standards of this section.

Article XI. Add Section 8.03 – Home Occupation / Home Based Business – Prohibited Characteristics

No Home Occupation or Home Based Business shall be permitted that does any of the following:

1. Requires internal or external alterations inconsistent with the residential use of the building or the land.
2. There will be no additional parking required over and above that of residential use.
3. Is a nuisance, or creates a hazard to persons or property.

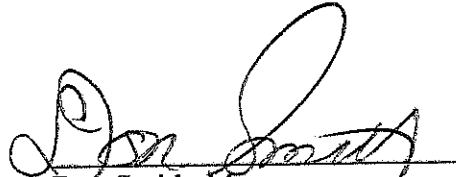
Article XII. Severability

If any words, phrases, language, section or other portion of this Ordinance is held invalid by a court of competent jurisdiction, then all remaining words, phrases, language, section or other portion of this Ordinance shall remain in full force and effect.


Article XIII. Effective Date

This Ordinance is effective immediately upon adoption.


Adopted this the 5th day of June 2007.

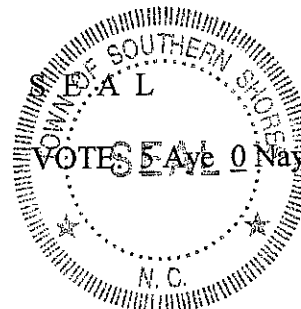

Don Smith, Mayor

ATTEST:


Carrie Gordin, Town Clerk

Approved as to form:


Ike McRee, Town Attorney



DATE OF FINAL RECOMMENDATION BY PLANNING BOARD:	APRIL 16, 2007
DATE INTRODUCED BY TOWN COUNCIL:	MAY 1, 2007
DATE(S) ADVERTISED:	MAY 17 AND MAY 24, 2007
NAME OF NEWSPAPER:	COASTLAND TIMES
DATE OF PUBLIC HEARING	JUNE 5, 2007